

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 726
94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHIELDS.

Offered March 11, 2008.

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Taken up for Perfection March 11, 2008. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

3388S.06P

AN ACT

To amend chapters 162 and 210, RSMo, by adding thereto three new sections relating to child care.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 162 and 210, RSMo, are amended by adding thereto
2 three new sections, to be known as sections 162.1168, 210.205, and 210.278, to
3 read as follows:

**162.1168. 1. There is hereby established a pilot program within
2 the Missouri preschool project to be known as the "Missouri Preschool
3 Plus Grant Program", which shall serve up to one thousand two
4 hundred fifty students with high quality early childhood educational
5 services in order to improve school readiness outcomes. The program
6 shall be administered by the department of elementary and secondary
7 education in collaboration with the coordinating board for early
8 childhood. Grants shall be awarded in this section for three years and
9 shall be renewable. The program shall be funded through
10 appropriations to the Missouri preschool plus grant program
11 fund. Funds from the gaming commission fund shall not be used to
12 fund the program.**

13 **2. For purposes of this section, the following terms shall mean:**

14 **(1) "Department", the department of elementary and secondary
15 education;**

16 **(2) "Program", the Missouri preschool plus grant program.**

17 **3. Grantees shall include the following:**

18 **(1) School districts classified as unaccredited by the state board**
19 **of education;**

20 **(2) Non-sectarian community-based organizations located within**
21 **a school district classified as unaccredited by the state board of**
22 **education; or**

23 **(3) Any school district that, as a result of a boundary change**
24 **election as provided in 162.431, receives pupils from a provisionally**
25 **accredited or unaccredited school district.**

26 **4. If a school district becomes classified as provisionally**
27 **accredited or accredited by the state board of education, the school**
28 **district may complete the length of an existing grant and shall be**
29 **eligible for one additional renewal for three years.**

30 **5. To receive a preschool placement under this section, a child**
31 **shall be one or two years away from kindergarten entry.**

32 **6. The Missouri preschool plus grant program shall comply with**
33 **the standards developed under section 161.213, RSMo. Public school**
34 **grantees shall employ teachers with a bachelor's degree. Non-sectarian**
35 **community-based organizations may employ teachers with at least an**
36 **associate's degree provided such teachers demonstrate they are on the**
37 **path to obtaining a bachelor's degree within five years.**

38 **7. Families with incomes less than one hundred thirty percent of**
39 **the federal poverty guidelines shall receive free services through**
40 **eligible grantees. Families with incomes at or above one hundred**
41 **thirty percent of the federal poverty guidelines may be charged a co-**
42 **pay on a sliding scale, as established by the department.**

43 **8. At least fifty percent of the preschool placements funded by**
44 **the program shall be offered through non-sectarian community-based**
45 **organizations.**

46 **9. The department shall develop standards for teacher-pupil**
47 **ratios, classroom size, teacher training and educational attainment, and**
48 **curriculum.**

49 **10. Grantees participating in the program shall give admission**
50 **preference to dependents of active duty military personnel.**

51 **11. School districts and non-sectarian community-based**
52 **organizations in which such pilot programs exist shall collect data**

53 about short-term and long-term student performance, where feasible,
54 so that the program may be evaluated on quantitative measurements
55 developed by the department. The department shall make a good faith
56 effort to collect long-term student performance data required under
57 this subsection for students who attend non-public schools. For
58 purposes of this subsection, "long-term" shall mean from point of entry
59 to graduation from high school.

60 12. Grantees shall coordinate preschool programs with the
61 nearest parents as teachers site to ensure a continuum of care.

62 13. The department shall accept applications in a competitive bid
63 process to begin implementation of the program for the 2009-2010
64 school year.

65 14. The department shall promulgate rules and regulations
66 necessary to implement this section by January 1, 2009. Any rule or
67 portion of a rule, as that term is defined in section 536.010, RSMo, that
68 is created under the authority delegated in this section shall become
69 effective only if it complies with and is subject to all of the provisions
70 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
71 section and chapter 536, RSMo, are nonseverable and if any of the
72 powers vested with the general assembly pursuant to chapter 536,
73 RSMo, to review, to delay the effective date, or to disapprove and annul
74 a rule are subsequently held unconstitutional, then the grant of
75 rulemaking authority and any rule proposed or adopted after August
76 28, 2008, shall be invalid and void.

77 15. The general assembly shall appropriate an amount sufficient
78 to adequately fund the provisions of this section, which shall be five
79 million dollars in any fiscal year.

80 16. There is hereby created in the state treasury the "Missouri
81 Preschool Plus Grant Program Fund" which shall consist of general
82 revenue appropriated to the program, funds received from the federal
83 government, and voluntary contributions to support or match program
84 activities. The state treasurer shall be custodian of the fund and may
85 approve disbursements from the fund in accordance with sections
86 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall
87 be used solely for the administration of this section. Any moneys
88 remaining in the fund at the end of the biennium shall revert to the
89 credit of the general revenue fund. The state treasurer shall invest

90 moneys in the fund in the same manner as other funds are
91 invested. Any interest and moneys earned on such investments shall be
92 credited to the fund.

93 17. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

94 (1) The provisions of the new program authorized under this
95 section shall automatically sunset six years after the effective date of
96 this section unless reauthorized by an act of the general assembly; and

97 (2) If such program is reauthorized, the program authorized
98 under this section shall automatically sunset twelve years after the
99 effective date of the reauthorization of this section; and

100 (3) This section shall terminate on September first of the
101 calendar year immediately following the calendar year in which the
102 program authorized under this section is sunset.

210.205. 1. By September 1, 2008, the department of social
2 services in collaboration with the departments of health and senior
3 services, elementary and secondary education, and mental health shall
4 develop a quality rating system for early childhood and before- and
5 after-school programs licensed by the department of health and senior
6 services that operate in this state. Such ratings shall be built upon
7 Missouri's current system of licensing and regulation. The base level
8 of the rating system shall be licensing, and the highest level of the
9 rating system shall include accreditation by a state or nationally
10 recognized accrediting agency. All early childhood programs licensed
11 by the department and accredited by the National Association for the
12 Education of Young Children shall receive the highest level of the
13 rating system. The department of social services shall utilize the
14 model from the existing Missouri quality rating system pilots developed
15 by the University of Missouri Center for Family Policy and Research,
16 or any successor organization, to establish this system.

17 2. The quality rating system shall:

18 (1) Provide information for consumers and parents to evaluate
19 and select high quality programs;

20 (2) Create an accountability system for policymakers and those
21 who fund early childhood and before- and after-school programs;

22 (3) Guide providers through a system of ever increasing levels
23 of quality with specific outcomes.

24 3. By July 1, 2011, all licensed facilities voluntarily receiving

25 quality improvement funds or services shall be rated, upon the
26 facilities' request, using the quality rating system established under
27 this section. The coordinating board for early childhood, established
28 under section 210.102, shall develop a plan for a tiered system of
29 reimbursement for child care subsidies based on the quality rating
30 system established under this section. By December 31, 2009, a
31 proposed plan with recommendations for implementation of the
32 reimbursement system shall be submitted to the general assembly. The
33 plan shall only become effective after passage of a concurrent
34 resolution by the general assembly authorizing the implementation of
35 the plan.

36 4. There is hereby created in the state treasury the "Quality
37 Rating System Program Improvement Grant Fund". Within this fund
38 there is created a first sub-account which shall consist of all gifts,
39 donations, transfers, and bequests to the fund. Notwithstanding the
40 provisions of section 33.080, RSMo, to the contrary, any moneys
41 remaining in this first sub-account shall not revert to the credit of the
42 general revenue fund. There is also created a second sub-account
43 consisting of moneys appropriated by the general assembly. Any
44 moneys remaining in this second sub-account shall at the end of the
45 biennium revert to the credit of the general revenue fund. The state
46 treasurer shall be custodian of the fund and may approve
47 disbursements from the fund in accordance with sections 30.170 and
48 30.180, RSMo. Upon appropriation, money in the fund shall be used
49 solely for the administration of this section to provide grants directly
50 to licensed providers seeking assistance for quality improvements to
51 undergo evaluation under the quality rating system established under
52 this section or to community-based organizations assisting providers
53 with such improvements. The grants shall be awarded in such a
54 manner to ensure geographic diversity among the grantees. The fund
55 shall be administered by the department of social services. The state
56 treasurer shall invest moneys in the fund in the same manner as other
57 funds are invested. Any interest and moneys earned on such
58 investments shall be credited to the fund.

59 5. The department of social services in collaboration with the
60 departments of health and senior services and elementary and
61 secondary education shall be responsible for:

62 (1) Collecting and distributing resource materials to educate the
63 public and early childhood and before- and after-school programs in
64 Missouri about the quality rating system established under this section;

65 (2) Developing and distributing educational materials, including
66 but not limited to brochures and other media as part of a
67 comprehensive public relations campaign about the useful and
68 informational system of assessing the quality of child care and early
69 childhood programs in Missouri; and

70 (3) A site to post ratings of the quality rating system on the
71 Internet in a format easily understood and accessible by the public by
72 January 1, 2010.

73 6. The department of social services shall promulgate rules to
74 implement the provisions of this section. Any rule or portion of a rule,
75 as that term is defined in section 536.010, RSMo, that is created under
76 the authority delegated in this section shall become effective only if it
77 complies with and is subject to all of the provisions of chapter 536,
78 RSMo, and, if applicable, section 536.028, RSMo. This section and
79 chapter 536, RSMo, are nonseverable and if any of the powers vested
80 with the general assembly pursuant to chapter 536, RSMo, to review, to
81 delay the effective date, or to disapprove and annul a rule are
82 subsequently held unconstitutional, then the grant of rulemaking
83 authority and any rule proposed or adopted after August 28, 2008, shall
84 be invalid and void.

85 7. For purposes of this section, "early childhood program" shall
86 mean programs that are both centered and home-based and providing
87 services for children from birth to kindergarten.

88 8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

89 (1) The provisions of the new program authorized under this
90 section shall automatically sunset six years after the effective date of
91 this section unless reauthorized by an act of the general assembly; and

92 (2) If such program is reauthorized, the program authorized
93 under this section shall automatically sunset six years after the
94 effective date of the reauthorization of this section; and

95 (3) This section shall terminate on September first of the
96 calendar year immediately following the calendar year in which the
97 program authorized under this section is sunset.

210.278. Neighborhood youth development programs shall be

2 exempt from the child care licensing provisions under this chapter so
3 long as the program meets the following requirements:

4 (1) The program is affiliated and in good standing with a
5 national congressionally chartered organization's standards under Title
6 36, Public Law 105-225;

7 (2) The program provides activities designed for recreational,
8 educational, and character building purposes for children six to
9 seventeen years of age;

10 (3) The governing body of the program adopts standards for care
11 that at a minimum include staff ratios, staff training, health and safety
12 standards and mechanisms for assessing and enforcing the program's
13 compliance with the standards;

14 (4) The program does not collect compensation for its services
15 except for one-time annual membership dues not to exceed fifty dollars
16 per year or program service fees for special activities such as field
17 trips or sports leagues;

18 (5) The program informs each parent that the operations of the
19 program is not regulated by licensing requirements;

20 (6) The program provides a process to receive and resolve
21 parental complaints; and

22 (7) The program conducts national criminal background checks
23 for all employees and volunteers who work with children, as well as
24 screening under the family care safety registry as provided in sections
25 210.900 to 210.936.

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